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ABSTRACT

This paper examines the concept of "associated membership" in international organizations, specialized agencies, and regional organizations. Organizations that allow countries or territories to enter as associated members provide for cooperation and interaction, although these countries do not have the rights and obligations of full membership. The study surveys the nature, scope, and varying degrees of success or failure of association as a scheme for international cooperation. Section I, "Association as an Alternative to Full Membership," covers associate membership within specialized agencies, associate membership and very small states, associate membership and the European Economic Community, and bilateral and multilateral association agreements. Section II, "Association as a Structure for Interaction," deals with associated statehood, association within the former French Union and French Community, and association within regional organizations such as the Organization of American States and the Arab League. (IS)

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Association: A framework for international interaction

M-P Bazin

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Report POL-13

Association: A framework for international interaction

M-P Bazin

Pretoria
Human Sciences Research Council
1983

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FOREWORD

The classical notion of international law is that of sovereign independent states concluding bilateral or multilateral agreements and conventions with other equally independent sovereign states.

However, it is a phenomenon of the modern world that all states and semi-state entities cannot or are not given the opportunity to interact with other states and international organizations on a basis of absolute equality or with the same degree of independence and sovereignty.

To provide for the varied forms of co-operation and interaction on levels which do not imply complete equality, the institution of association and associated membership has frequently been devised and used not only by international organizations, but also by specialized agencies of the United Nations, regional organizations and by mother countries with their former colonies and dependencies.

In this study by Ms M-P Bazin a broad survey is given of the nature, scope and varying degrees of success or failure of association as a scheme for international interaction.

Considering the importance of state as well as regional co-operation in southern Africa with its emergence of state and semi-state entities, this study provides much information and many views which undoubtedly could lead to fruitful thought and further investigation.

The viewpoints in this report are those of the writer and not necessarily those of the HSRC or the Advisory Committee for Political Science Research.

J.C. van der Walt
VICE-PRESIDENT

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OPSOMMING

Die ondersoek val uiteen in twee hoofbesprekingspunte naamlik, assosiasie as 'n alternatief tot volle lidmaatskap en assosiasie as 'n struktuur van wisselwerking.

'n Breë beskouing word gegee van die sukses en ook mislukkings van assosiasie as 'n oogmerk van internasionale wisselwerking. Die hele gedagte van assosiasie omvat twee idees; dié van deelname, en dié van vereniging. Indien die gedagte van assosiasie toegepas word ten opsigte van internasionale organisasies, is assosiasie 'n vorm van deelname wat gebruik word deur gebiede of dele van gebiede wat nie instaat is om hul eie internasionale betrekkinge te handhaaf nie.

In die eerste deel van die ondersoek, naamlik dié mbt assosiasie as 'n alternatief tot volle lidmaatskap word daarop gewys dat geassosieerde lidmaatskap daar gestel is om territoriale eenhede die geleentheid te gee om deel te hê aan die funksionering en voordele van 'n organisasie waaraan hulle om een of ander rede nie kwalifiseer om as volle lede te behoort nie.

In die tweede deel van die bespreking, naamlik assosiasie as 'n struktuur van wisselwerking is dit duidelik dat geassosieerde lidmaatskap in ver= skillende omstandighede aangewend word. Geassosieerde lidmaatskap word verkry om onder andere ekonomiese samewerking en solidariteit op 'n streeksbasis te bewerkstellig.

Die slotsom word bereik dat die verskynsel van assosiasie beide positiewe en negatiewe aspekte openbaar. As 'n vorm van lidmaatskap van interna= sionale organisasies laat dit geassosieerde state 'n sekere graad van ekonomiese en politieke deelname toe wat andersins nie moontlik sou wees nie, omdat hul nie op volle lidmaatskap geregtig is nie. Die konsep assosiasie is in dié sin grondig en word deur die volkereg erken.

As 'n raamwerk vir wisselwerking kan die aantreklikheid vir assosiasie gesien word as die uitbreiding van ekonomiese en politieke aktiwiteite van 'n betrokke streeksorganisasie.

SUMMARY

This study comprises two main points of discussion viz association as an alternative to full membership and association as a framework for interaction.

A broad view of the successes and failures of association as an aim of international interaction is given. The whole concept of association embraces two ideas : that of participation and that of union. If the concept of association is applied to international organizations, the association is a form of participation used by territories, or portions of territories, who are not in a position to conduct their own international relations.

In the first part of the study, viz association as an alternative to full membership, it is stated that associated membership is established to give territorial units the opportunity to participate in the functions and benefits of an organization to which, for one or other reason, they are not entitled to belong as full members.

In the second part of the discussion, viz association as a framework for interaction, it is clear that associated membership can be applied in different situations. Among other objects, associated membership is established to implement economic co-operation and solidarity on a regional basis.

The conclusion is reached that the phenomenon of association has both positive and negative aspects. It allows associated states a certain measure of participation in international organizations which would not allow them full membership. In this respect the concept association is fundamental and is accepted by international law. The benefits of association as a framework for interaction can be seen as the development of economic and political activities of the regional organization.

ASSOCIATION: A FRAMEWORK FOR INTERNATIONAL INTERACTION

INTRODUCTION

The concept of association embraces both the idea of participation and of union. Applied to international organizations, association is a form of participation, an alternative to full membership, enjoyed by territories or groups of territories which do not conduct their international relations independently.

Some specialized agencies of the United Nations have associate members but the United Nations itself makes no provision for associate membership, although the possibility was considered a few years ago, as the increasing number of newly independent states, very small in size and modest in resources, raised the problem of their admission as full or associate members. No solution was ever formulated and the alternative of associate membership has since been forgotten.

Article 238 of the Treaty of Rome - March 1957 (Degenhart and Alan 1981: 120) which constitutes the European Common Market, deals specifically with associate membership, stating that the community may conclude "... with a third country, a union of states or an international organization agreements creating an association ..." Part IV of the Treaty uses similar language in referring to the association of overseas countries and territories which have special relations with Belgium, France and the Netherlands. The Conventions of Yaoundé and Lomé, which bring 63 developing countries into association with the EEC, constitute direct applications of this provision and because their specific objective is the creation of association, they give a new dimension to that notion in establishing, within the European constitutional framework, a structure for co-operation and development. This wider definition of association applies to various situations which originated from the links between a mother country and its former colonies. Association has, in many cases, been an alternative to full independence, which some very poor and small countries have been unable to assume.

Great Britain, the United States of America, France and the Netherlands have set up structures for co-operation and development with some of their

colonies on a bi-lateral or multi-lateral basis involving an associative relationship. An example may be seen in the association of the West Indian countries to the British Commonwealth where the same ideas of solidarity and union prevail.

On a wider scale, regional organizations such as the Organization of American States (OAS) or the Arab League provide further examples of associations between states which are linked by a desire to strengthen close relations and to co-ordinate their actions towards common political and economic goals. Association provides, in these cases, a solution for countries with common cultural and historical backgrounds, by respecting their sovereignty and independence.

I ASSOCIATION AS AN ALTERNATIVE TO FULL MEMBERSHIP

The main reason behind associate membership is to enable states or other territorial units to participate in the functioning and benefits of an organization, to which, for one reason or another, they are not eligible to belong. The concept of associate membership includes the right to belong but with restrictions.

The origin of this notion goes back to the time of the League of Nations where the problem of micro-states had to be considered.

Consequent to the decision taken by the Assembly of the League not to admit Lichtenstein as a member, the possibility of accepting micro-states as "extraordinary members" was contemplated. In a report submitted to the Assembly, the Commission of Amendment discussed the three following possibilities:-

1) the recognition of the micro-states right to representation without a right to vote;

2) the allowance of representation by another state which was a member of the League;

3) the adoption of a system of limited participation "which would allow these states to enjoy the prerogatives of ordinary members but only in the cases where their own interests would be involved.

However, the League of Nations never carried out any of these projects.

A) Associate membership within the specialized agencies

Today the UN Charter makes no provision for associate membership but some of its specialized agencies are permitted, in their constitutions, to have associate members. These are those territories which do not enjoy the conduct of their own international relations and therefore cannot become full members of the agency. The earliest example of the application of associate membership to dependent states, can be seen in the constitution of the WHO (World Health Organization - 2 July 1946.) as expressed in Article 8 which reads as follows:

> "Territories or groups of territories which are not responsible for the conduct of their international relations may be admitted as Associate Members by the Health Assembly upon application made on behalf of such territory or group of territories by the Member or other authority having responsibility for their international relations. Representatives of Associate Members to the Health Assembly should be qualified by their technical competence in the field of health and should be chosen from the native population. The nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly."

Other specialized agencies have also made provision for associate membership such as: IMO (Inter-Governmental Maritime Organization - 17 March 1958) - Art. 9; FAO (Food and Agriculture Organization - 16 October 1945)-Art. 2; UNESCO (United Nations Educational Scientific and Cultural Organization - November 1945) - Arts 2 and 3; ITU (International Telecommunication Union - 1 January 1967) - Art. 1. The application for admission is forwarded by the state which is responsible for the conduct of the international relations of the territory concerned.

The UN will give consent by means of a vote under the same conditions as those for the admission of any other new members.

The limitations on the rights of associate members is a reflection of their dependence; they mainly consist of the deprivation of the right to vote at the Assembly. Otherwise, they may participate in all the debates and deliberations of the principal organs.

The examination of the status of associate members leads to the creation of a double capitus diminutio: firstly the associate member is subordinate to the member state on which it depends and which controls its participation; secondly it enjoys restrictive rights in comparison with the full membership.

The number of associate members reached its maximum between 1952 and 1958; it has been decreasing since then which is a result of the accession to independence of many states. In the past, about 25 territories were admitted as associate members in specialized agencies. Recently, very few territories or groups of territories have enjoyed this kind of membership: these are namely, Hong Kong, which has been admitted as an associate member of IMO - 17 March 1956, the British Eastern Carribean group, Namibia and Papua New Guinea, associate members of UNESCO - November 1945 and the latter two are also associate members of WHO, 2 July 1946.

Although it may seem somewhat unnecessary to go into detail about this form of associate membership, given the number to which it applies, it should be remembered that it was considered as an alternative to full membership at the League of Nations in 1920 and again at the United Nations when the problem of diminutive states arose.

B) Associate membership and the micro-states

The observation of the fact that no diminutive states have yet been admitted to the UN, suggests that lack of size and resources compels these "states" to alienate enough of their independence to disqualify them from "comprehensive participation", even though

they might still be eligible for "limited participation". However, this is not quite true as membership of the United Nations is not conditional upon the size of the state concerned, as some examples will show: Luxembourg (population 335 000) was an original member; Iceland (population 195 000) was admitted in 1946; the Maldive Islands (population 101 000) and Qatar (100 000) were admitted in 1965 and 1971; and recently, Dominica (population 76 000) formerly a state associated to Great Britain was admitted in 1978. However geographically small or modest in resources an entity may be, it is a "state" for general purposes of international law provided that the criteria of statehood (a territorial unit containing a stable population under the authority of its own goverment) are satisfied. Thus, very small principalities such as Monaco, Lichtenstein and San Marino fall within this definition. Nevertheless, doubt has been cast upon their full sovereignty. For instance, Monaco (population 25 000, area 1,5 km²) was expressly recognized as independent by its neighbour, France, in 1801 and in 1918. It has its own laws, diplomatic representation in several posts, consular representation in many more, and is party to a number of bilateral and multi-lateral treaties. However, certain of its government officials are appointed by France, and the Prime Minister is chosen from a list of three French nominees. Monaco has agreed to act in complete conformity with the political, naval, military and economic interests of France and agreements with foreign states require prior French agreement. Moreover a fiscal convention of 1963 seems to identify Monegasque with French territory by imposing French tax laws upon Monaco. These are serious restrictions upon its independence but general opinion is that it is a sovereign state, and Monaco has become a member of the International Court of Justice and of various specialized agencies. The fact that one state exercises a general protective power over a much smaller state does not destroy the latter's position as a state. Yet Article 4 of the United Nations Charter makes an ability to carry out the obligations contained in the Charter a requirement for admission to membership and these principalities have, therefore, not applied for membership.

For some years the increasing number of applications for total membership from very small countries has caused the United Nations organization to consider the possibility of establishing some form of associate membership of the UN.

The need to do something about the diminutive states was first mooted by the Secretary General in 1965; in 1967 he answered the question by pointing out that full membership for these states might be too enormous for them and also might weaken the United Nations organization (Djonovich 1973). He proposed that a study be made of the ways in which the availability of full membership could be limited, and a form of association devised which would benefit both the diminutive states and the UN. When the Council met to consider the problem at its 1 505th and 1 506th meetings in August 1969, the United States representative spoke in favour of creating a form of associate membership for the diminutive states; associate members would enjoy all the rights of members of the General Assembly, except the right to vote or hold office; in addition, such a regime might involve ineligibility for seats in the Security Council. But so far, the great powers have been unwilling to commit themselves and the smallest members, the number of which has increased considerably in the past few years, have a real fear of being relegated to the class of associate membership by the application of the criterion of diminutiveness.

C) Associate membership of the EEC

The concept of association can apply to different situations: in the Common Market there are two types of associate membership, both of which amount more to a specific modality of territorial extension than to a form of participation in the organization. The first type is based on Article 238 of the EEC Treaty (Kellerman 1979: 1791) and involves association agreements with Mediterranean states which are at a somewhat lesser stage of economic development than the EEC member states; the other type of associate membership arises under Article 130 (Kellerman: 1979: 1558, and article 131 (Kellerman: 1979: 1560) of the EEC Treaty and involves association with non-European states and territories "which have special

relations with Belgium, France, Italy, the Netherlands and the United Kingdom" (Art. 131, Kellerman 1979: 1560).

For the most part the second type are former colonies or dependencies; the agreements with them involved preferential trade arrangements, financial aid and the creation of joint institutions. In practice, two forms of association agreements have grown up: firstly, there are bi-lateral association agreements with states in the Mediterranean basin and secondly multi-lateral association agreements with developing countries.

1) Bi-lateral association agreements

The purpose of an association agreement is to create a customs union between community members and the associated state with, in some cases, the provision of financial loans to the associated state and, in other cases the extension of other community benefits such as right of establishment.

The association agreements with Mediterranean countries fall into two categories: firstly, those which are transitional in their nature since the purpose of the agreements concerned is to pave the way towards the formation of a full customs union with the EEC and, secondly, those which constitute the association agreements on the lines envisaged by the EEC Treaty (EEC Arts 238, 131 - Kellerman 1979: 1672.)

a) Transitional régimes

° Malta, Cyprus scheme: the aim of these agreements is to progressively eliminate obstacles affecting the main body of trade between the parties. The two agreements are identical in so far as they provide for reduction, on the one hand of the customs tariffs of the EEC and, on the other hand of those of Malta and Cyprus. Technically the most important features are a reduction in customs duties and the almost complete abolition of quantitative restrictions by the EEC (Art. 238 - Kellerman 1979: 1798).

° Greece and Turkey: before Greece entered the Common Market on 1 January, 1981 by virtue of the Treaty of Accession, signed on 28 May, 1979, it was an associate member of the EEC. The preamble of the "Athens Agreements", signed on July 9, 1961 expressed the desire to promote commercial exhange between the parties with a view to the creation of a custom union (namely full membership), and further, to promote common action by harmonizing economic policies "while ensuring an accelerated growth of the Greek economy". Technically, the freedom of trade was achieved by a cessation of import and export duties, including customs duties of a fiscal nature and of any equivalent charges. They were to be abrogated progressively in accordance with the general purpose of the agreement which was to safeguard the industrial development of the associated country, and Greece retained the right to re-establish or to increase customs duties in order to assist new industries.

An association council consisting of members representing the member states of the EEC, the EEC Council, the Commission and Greece exercised supervision and a power of decision-making in specific cases. The Association Agreement of 12 September 1963 between the EEC and Turkey (Ankara Agreement) also envisages the creation of a customs union, but the progressive integration is to occur in three phases, in order to approximate the respective economies. The formation of a customs union during the final phase entails the abrogation of all customs duties, of charges having an equivalent effect and of quantitative restrictions, as well as the adoption of the common customs tariff. An association council of the same type as that created by the Greek Association Agreement ensures the proper working of the agreement.

b) Simple association agreements

In 1969 Morocco and Tunisia concluded conventions with the EEC which introduced, for their benefit, immediate aboli-

tion of customs duties, equivalent charges and quantitative restrictions subject to a series of exceptions and restrictions. In return the EEC has been granted concessions in as much as certain products are to be admitted at a reduced tariff, others are exempt from customs duties or from quantitative restrictions in whole or in part, while still others are freed from the requirement of an import licence. However, Morocco and Tunisia retain the right to reintroduce quantitative restrictions for the last-mentioned products, particularly for purposes of industrialization, subject to certain compensatory concessions. An Association council, established on lines similar to the joint committees and councils set up by the other agreements, watches over the execution of the conventions (Kellerman 1979: 1801-1799).

2) Multi-lateral association agreements

A set of complicated negotiations arose from the historical ties between various Community members and their overseas territories. Soon after the establishment of the EEC, the decolonization process called for a transformation of the links which Part IV of the Treaties had previously created between those countries and the Common Market and which consisted essentially of free two-way access for each other's products and a special programme "European Development Fund" in favour of those territories.

Under the Treaty the mechanics of the system had to be reviewed, in any event, after four years. But this review now involved, for the majority of states in the group, negotiation with completely new sovereign states.

This led to the conclusion of the Convention of Yaoundé (20 July, 1963) with eighteen African states and Madagascar (Kellerman 1979: 1809). This Convention contemplated a free trade zone which would be established between the Community and each of the associated states. This meant that the associated

states could maintain tariffs on their trade with each other but that there would be a gradual reduction of tariffs and similar charges on trade between the Community and each one of them. There would be no common external tariff on the part of the EEC and each associated state. Each of the latter would be accorded the same duty reductions which the EEC member states accorded one another, but would reduce its import restrictions on EEC goods at a slower pace and could retain, or even introduce, such duties or equivalent charges on EEC goods as deemed necessary for development, industrialization or for generating revenue. A safeguard clause for the protection of producers seriously affected by import competition, was included. In addition, provision was made for the continued use and replenishment of the existing European Development Fund which provide aid to the associated states, and further joint institutions were set up between the EEC and the associated states. The first Yaoundé Convention came into force on 1 June 1964 and was renewed in July 1969. The renewed convention expired on 31 January, 1975. Even before the United Kingdom joined the Community, a more or less similar arrangement was concluded with the three East African states and later with Mauritius under the Convention of Arusha on 24 September, 1969 (Kellerman 1979: 1809).

After Community enlargement, the whole system was renegotiated with a much larger group of countries, now including UK dependencies in Africa, the Carribean and the Pacific (ACP), as well as with other African countries, bringing the total number to 46.* Many of the ACP's are among the smallest and often the

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* The number has in the meantime grown to 63, new territories having become independent.

poorest of the developing countries. They are heavily dependent on the markets of the Community member states as an outlet for their products, and on outside aid.

The Lomé Convention which was concluded between the enlarged Community and this group of states on 28 February 1975 (renewed in 1979) (Degenhart and Alan 1981: 141) far from copying the previous Yaoundé or Arusha models, introduced new ideas such as the stabilization of export earnings (STABEX system) and the organization of commercial and industrial co-operation. Its trade provisions give ACP exports free access to the Community Market but do not require the ACP to reciprocate. The Lomé Convention is to be renegotiated this year. It converted the association policy into the beginnings of an economic co-operation policy, aimed at development objectives and essentially at some of the objectives which were articulated in the preamble to the 1974 United Nations General Assembly Charter of Economic Rights and Duties of States. The Lomé Convention is thus a contribution to the North/South dialogue which is concerned with balancing the distribution of the world's wealth.

The policy of association with regard to overseas countries is one of the fields in which Community action has been most dramatic. The Convention, while establishing serious bases for the expansion of commercial exchanges between the Community and the associated states, has constituted the juridical and institutional supports, for aid from the Community to the developing countries. It is a long way from associate membership in the usual sense of the term. What distinguishes it from the usual type is the framework under which European countries endeavour to contribute to the development of African states in exchange for political advantages rather than economic ones. In this case the idea of associate membership departs from that of simple participation in an international organization; rather it includes assistance on the part of the latter within an institutional framework which thus becomes a "framework for interaction".

The association agreements between the EEC and the developing countries are characterized by reciprocal rights and duties, common political objectives and specific procedures. They include the ideas both of participation and co-operation within a geographical unit. This territorial aspect gives to the notion of association a new dimension which requires more detailed consideration.

II ASSOCIATION AS A "STRUCTURE FOR INTERACTION"

It may clearly be seen, from a consideration of varying arrangements such as, inter alia, the associated statehood which characterizes the status of the British Carribean territories and the Arab League, that the idea of association as a framework for interaction applies to many different situations. Being a vague term, it refers to any grouping states where economic co-operation and solidarity, on a regional basis, can secure advantages for the co-operating states which they are unlikely to be able to achieve, acting independently. The following examples, which illustrate some typical cases, will give an idea of the different solutions association of states may provide in economic and political fields.

A) "Associated statehood"

Upon the opening of the 1967/68 session of the General Assembly of the UN, General Secretary U-Thant recommended that small territories should seek a solution to the problem of their political aspirations in association with the mother country rather than in full sovereignty. For these territories, a status involving complete internal independence but continuing dependence upon the mother country in matters of external affairs and defence, has been devised and designated as statehood, in association with the parent country. The intention behind association is to endow states with a competence less than that of full independence but greater than that of subordinacy.

The most recent effort for finding an acceptable compromise between the political expectations of the small colonies and economic

reality has been in the case of the six island territories of Antigua, St Kitts-Nevis, Anguilla, Dominica, St Lucia, St Vincent and Grenada. These Carribean territories became, at the beginning of 1967, "states in association with Britian". During the reading of the West Indies Bill which brought the agreement into effect, the Minister of State for Commonwealth Affairs set out a number of general principles which guided the United Kingdom in coming to a conclusion about the future of the islands:

> "First, we believe that the people in each territory are entitled to the fullest political liberty, the fullest voice in their own affairs, that their circumstances can allow.
>
> Second, we see it as our duty to widen their opportunities whenever we can and make real liberty possible for them ... Third, we owe them help and protection while they need it; it would be totally wrong to abandon them before they can stand on their own."

That economic considerations were of paramount concern both to the associated states and to the United Kingdom, when deciding on the new status of the islands, is not disputed. The extent of their dependence upon the United Kingdom was emphasised by Mrs Hart (MP):

> "These territories are sadly poor, especially when seen against the backround of North American opulence, and their connection with us is their lifeline. For trade aid and their standing internationally they depend on us."

Under the new status, each territory would be responsible for its internal affairs (including government) and would be able unilaterally to change its constitution, including obtaining independence, but the United Kingdom would be responsible for defence and foreign relations. The West Indies Act purports to circumscribe the future legislative powers of the United Kingdom vis-à-vis each "associate state", specifies the legislative competence of each state and provides for the establishment of common courts for the associated states, the island of Montserrat and the (British) Virgin Islands

if the latter two territories desired it. The West Indies Act also authorized the enactment, by orders in council, of a constitution for each of the new states. Such constitutions were subsequently enacted and on the date they came into force the new constitutional status commenced.

Immediately, there were problems and misgivings by both Britain and the new states. The first problem was recognition by the United States of the new states as an acceptable form of decolonization. The British had miscalculated the mood of both the Anti-colonialism Committee (the Committee of 24) and the General Assembly which simply "noted" the constitutional advancements achieved by the six islands and reiterated their right to self-determination and independence.

Then the Anguillan crisis arose and struck right at the foundations of associated statehood. The Anguillans perceived associated statehood to be against their interests as intra-island relations within the associated states would thereafter be an internal matter and hence outside the legal competence of the British government delay in the status was unsuccessfully sought and so, when inaugurated, it was resisted. By July 1907, 98 per cent of the island's population of 6 000 voted for separation and secession was declared. This was to some extent confirmed by Britain which reintroduced direct rule from Westminster (Anguilla Act, 1971) and gave Anguilla "the same degree of administrative autonomy as a British colony ..." (Anguilla Act, 1976). This highlighted the dilemma of associated statehood facing a metropolitan country. Any attempt at diarchal government raises considerable political difficulties, which the British government had experienced in India many years before. As links between domestic affairs and foreign policy are apparent whatever the political system, it is virtually impossible to separate them in practice.

Other problems included the impact of British membership of the EEC, the lack of international legal personality which rendered access to aid funds impossible, and the difficulties faced in achieving independence without a referendum to the satisfaction of the British government.

In retrospect, associated statehood was a genuine attempt at decolonization by Britain in a region beset by peculiar historical and geographical difficulties. Problems have arisen and these, together with the general acceptance that the concept of economic viability has changed (as the plethora of examples form other Third World states show, lead to the inescapable conclusion that independence is the only long term option. The movement was initiated with the independence of Grenada in 1974, followed by Dominica in 1978, St. Lucia in 1979 and Antigua in 1981, thus terminating the association with Britain.

Analogous territorial situations to the associated states of the West Indies are to be found in the case of the Netherlands Antilles and Puerto Rico (Degenhart and Alan 1981: 186).

The desire by Surinam and the Netherlands Antilles, not for independence but for a continued relationship with the Netherlands, led, in 1954, to the conclusion of a Charter setting up a structure of association. Most striking, from the point of view of the Netherlands Antilles and Surinam's, from the point of view of the Netherlands Antilles and Surinam's legal status was the Charter's preamble using the following language:

> 'Considering that they have expressed freely their will to establish a new constitutional order in the Kingdom of the Netherlands, in which they will conduct their internal interests autonomously and their common interests on a basis of equivalence and in which they will accord each other reciprocal assistance, they have resolved by mutual consent to establish the Charter for the Kingdom as follows".

Under Article 3 of the Charter 1 January 1942 these matters of common interest comprise external affairs, nationality, extradition, the admission and expulsion of nationals and aliens and the safeguarding of the rule of law and of fundamental rights and freedoms. Article 43, 3 November 1950 provides for the administration of their internal affairs; but the protection of a proper administration of their internal affairs; but the protection of a proper

administration is one of the common interests of all three countries which they will conduct on a "basis of equality", with the result that there is no possibility of unilateral intervention by the Netherlands. However, the government of the Kingdom has certain powers of intervention, should the countries be responsible for any legislative or administrative measures inconsistent with the Charter. By means of a decree stating the reasons, the Dutch government may suspend and annul these measures.

The government of the Kingdom of the Netherlands concludes and ratifies all treaties and other international agreements. Nevertheless, it recognizes a right to veto the conclusion of international financial and economic agreements by Surinam and the Netherlands Antilles, which may, in addition, accede to membership of international organizations in accordance with international agreements entered into by the Kingdom.

In terms of the Charter, Surinam and the Netherlands Antilles had thus come a long way from being objects of public and private ownership to being states associated with the mother country. The implication was that, in 1954, the Netherlands stepped down from its position of sovereignty and took on the modest role of self-governing partner in a wider Kingdom, to which its sovereign quality was thenceforth transferred. However, the independence of Surinam in 1975 put an end to this tri-partite association. This was initiated by a Royal Commission established in 1972 in order to "prepare an alternative to the present constitutional relationship between the Netherlands, Surinam and the Netherlands Antilles". Talks at government level started between the Netherlands and Surinam at Panamaribo at the beginning of 1975 and continued on a tri-partite basis at The Hague. These talks were especially concerned with Surinam's secession (the Netherlands Antilles did not share the same sense of urgency in this regard). As a result, Surinam was able to proclaim its independence on November 25th of 1975, and therefore, from that day the Charter applied only to the Netherlands and the Netherlands Antilles. It is difficult to predict whether the latter will progress in the same way as Surinam and develop from a self-governing partner in the Kingdom of the Netherlands to a sovereign state.

With the exception of independence for the Phillipines, the United States has assumed integration as the ultimate goal for its territories. The Commonwealth of Puerto Rico (in Spanish "estado libre asociado"), however, has received legal recognition as a distinct status relationship, different from that of either a state or territory in the United States. In July 1952, the status of Puerto Rico was changed from that of a colony of the United States to that of a "State which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is part of its political system in a manner which is compatible with its federal structure" and "which does not have a separate existence", as stated in Resolution 22 of the Constitutional Convention. The result of the change in status was that Puerto Rico obtained absolute freedom of control over its internal affairs, subject only to compliance with the relevant provisions of the federal constitutions of the Puerto Rico Federal Relations Act 27/28 June 1976 and the relevant Acts of Congress authorizing and approving the constitution, as interpreted by judical decision. It was announced by the Department of State that:

> "When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized into a commonwealth established within the terms of the compact entered into by mutual consent, which is the basis of our union with the United States of America ... Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of compact, and we enter into an era of new development in democratic civilization."

The significance of the commonwealth and its potential in the United States federal system is critical as the debate intensifies between statehood and commonwealth supporters in Puerto Rico. The concept of the Commonwealth of Puerto Rico was initiated at a time when there was broad political concensus there for the desirability of a commonwealth and strong support within the United States for the innovative aspect of this new form of government. Since then, the consensus in Puerto Rico has broken; it appeared until recently that a new consesus in Puerto Rico

was emerging in support of statehood. The American Congress President Carter and President Reagan, in their primary campaigns, supported the possibility. However, the November 1980 elections slowed the move in this direction: Governor Carlos Romero Borcelo, a strong supporter of statehood was just barely re-elected, and the commonwealth party captured one house in the Legislature. The divided political posture has prevented not only statehood in Puerto Rico but has also thwarted growth and direction for the commonwealth concept as well.

Association in the examples mentioned above has been resorted to as an alternative to full independence. A slightly different situation could be seen in the case of Indo-China before 1954. The association with France, Laos, Cambodia and Vietnam within the French Union, was more an attempt to conciliate the divergent aspirations of both the mother country and these former colonies rather than a definitive form of decolonization which would have had no chance of survival.

B) Association within the former French Union and French Community

With the fall of France in 1940, Laos, Cambodia and Vietnam made proclamations of independence. This did not prevent the reimposition of French rule after the war, and the Constitution of 6 May, 1946 made possible the Association of States within the French Union. The creation of this Union expressed the changes which had been brought about by the Second World War in relations between France and its Empire. It was neither a federation nor a confederation: some of the members were not real states and the preponderant role played by France was contrary to such definitions. In addition, the lack of cohesion between the members did not permit the creation of a federal or confederal link. Some commentators referred to the French Union as a "colonial federalism". In fact, it was a federation of a new kind, an attempt at conciliating both the principles of unity, beloved by France, and independence, which many countries in the Empire wished to achieve at that time. The association within the Union was subsequently a modus vivendi whereby each of the states was given more autonomy, but France continued

to retain powers with respect to defence and external affairs. Pursuant to this, Cambodia became an associated state on 8 November, 1949; Laos on 19 July, 1949 and Vietnam on 5 June, 1948. Under these agreements, France recognized the independence of Laos, Cambodia and Vietnam and they, in turn, affirmed their association with France within the framework of the French Union. France generally controlled foreign relations and judicial, economic and administrative activities. With respect to power over external affairs, President Auriol made the following statement:

> "Vietnam is empowered to negotiate and sign agreements concerning its own interests, with express proviso that, prior to any negotiation it shall submit its plans to the Government of the Republic for study by the High Council ... A favourable opinion of the High Council shall be required before agreements so concluded can become final."

The assistant legal advisor to the US considered that the limitations on the authority of Vietnam would not disqualify it from being a state. However, the war put an end to these agreements and Vietnam became fully independent in 1954.

In 1958 the French Union was renamed the French Community by the new constitution and somewhat broader home rule was granted. Each overseas territory was authorized to choose between entering the Community or breaking ties with France. All but one of the territories voted to ratify the constitution and thus join the Community (only Guinea chose secession). Nevertheless, within two years the urge for full independence was irresistible and the French Government had no choice but to give way. By the end of 1960 the French Empire was reduced to a few small outlying possessions.

The French Community had been a serious endeavour at setting up a structure for maintaining institutional links with the mother country. From 1960, however, it became a mere contractual association. Leopold Sedar Senghor gave a definition of the French Community: it is "for us, a means of getting prepared for independence in the same way as the territories under British authority". (Author's translation.)

The British Commonwealth offers a further and similar example of an association of states, as in some ways, it is the continuation of a colonial empire. Membership of these two associations does not affect the primary legal capacity and personality of member states any more than membership of any other organization. Indeed, it often has less effect than membership of some organizations, for example the European Economic Community which has a slight federal element.

The post-war Commonwealth has been described by D.P. O'Connel 1971 as "a club with no fixed rules other than the undertaking to co-operate and consult, and held together by privileges freely negotiated..."

The most important remaining link between the members of the Commonwealth consists of profitable trade connections such as those according tariff preferences. What membership affords and requires is co-operation. A more precise definition would include consultation, information and mutual assistance. The Commonwealth has developed a very extensive apparatus through which governments, organizations and people can exchange information and the benefits of experience in many areas.

Particularly valuable in this regard is the existance of the Commonwealth Fund for Technical Co-operation (CFTC). Assistance is provided through three programmes: the General Technical Assistance programme, The Education and Training programme and the Export Market Development programme. The CFTC (Common Wealth Fund For Technical Co-operation, April 1971) plays an important role in strengthening Commonwealth links, primarily because it can be relied upon by expert members to produce the sort of knowledge and experience which will most accurately fit the needs of the country to which it is sent (Simmond 1977: 260). The history of the Commonwealth is one of continuous disintegration; but it has kept alive the idea of unity that exists in consultations. However, one can expect that this reliance on British advice and sources of information by newly independent governments, is a temporary phenomenon which will pass with the acquisition by these states of their

own diplomatic machinery. Futhermore the identity of a Commonwealth group has become submerged in the wider western system.

Today, the achievement of independence together with attachment to one system or another has made possible the growth of regionalism which provides more adequate solutions for these countries.

C) Association within regional organizations

Some associations of states (such as the Arab League, the Organization of African Unity, the Organization of American States), could be described, to some extent, as vehicles for the strengthening of national independence, as well as instruments of co-operation and order within a region. These associations are based on unifying elements such as geographic proximity and the existence of a similar political, social or cultural backround. In addition, legal equality and free adhesion are other necessary elements required for the success of regional groups. This definition of regional organizations excludes associations which are limited to a specific object, such as the alliances bound by multi-lateral defence treaties (for example NATO, the Warsaw Pact ...) or organs of economic action based on functional orientations (for example the European Coal and Steel Community, the Common Market). The groups which correspond most to the idea of association as a "structure for interaction" include organizations which have arisen as an expression of some sort of regional solidarity, in the face of political pressure from the outside world, and which also possess the machinery to control the use of force within their own region. The Organization of American States (OAS), the OAU and the Arab League fall into this regional type. Their raison d'être springs from territorial unity which itself may contribute to an ethnic or ideoligical common ground.

There are different types of situations and responses to the problem of intra-regional equilibrium among states of unequal power. A relatively trusted great power may extend regional protection to lesser associates; on the other hand, what is called "small state regionalism" has been described as an antipathy towards great power

domination. Again, the OAS and the Arab League provide two interesting examples of the two different situations.

1) The Organization of American States

The OAS is a unique example of a political institution which antedates its constitutent document. As a formal legal body, functioning in accordance with a charter which defines its principles and the agencies by which it pursues its objectives, it has been in existence for thirty-four years. However, the signing of the charter at the Conference of Bogota in 1948 did not create the organization as a working body; rather it gave to the existing Union of American Republics a more precise judicial character. In addition it defined, in more specific form, the powers and functions of an established institution. The OAS, which comprises 28 members*, is referred to in its charter as a regional agency of the United Nations. In fact, this is not really appropriate as, except in respect of the ultimate authority of the United Nations on procedures of pacific settlement, it carries on its activities independently of the United Nations (Kaplan:1982).

Article 4 of the charter proclaims the essential purposes of the OAS which include: strengthening peace and security, ensuring the pacific settlement of disputes, providing for common action in the event of aggression and promoting economic, social and cultural development. Part II of the charter deals with the constitutional structure of the organization: its organs are (after the amendment introduced in 1967): the General Assembly, the Meeting for the consultation of foreign ministers, three councils and a number of committees and commissions. The revised charter maintains the general secretariat as the central and permanent organ of the OAS, which has its seat in Washington.

The Organization was created primarily for purposes of political and economic solidarity. Foremost among its functions is the maintenance of peace and security. The Rio Treaty of Recip-

rocal Assistance of 1947 is concerned with collective actions to preserve and restore peace when some conflict has arisen. Based on the principle that "an armed attack by any state against an American state shall be considered as an attack against all the American states", each contracting party "undertakes to assist in meeting the attack in the exercise of the inherent right of self defence recognized by Article 51 of the Charter of the United Nations". In practice, this undertaking has functioned more as a device to protect the political homogeneity against internal deviations than as a mechanism to defeat external aggression as the Cuban and Dominican crises showed.

In this function of collective security, the OAS simply institutionalized a trend of US policy. This was made clear at the Conference of Caracas in 1954, where a declaration was adopted to the effect that attempts at control of the political institution of an American State by the International Communist Movement would constitute a threat to the sovereignty and independence of the American states. Not until 1962, however,

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* including the United States, countries from Central and Latin America and newly independent states from the Carribean which were former British colonies.

after Fidel Castro had gone so far as to proclaim publicly that he was a communist, did the Meeting of Foreign Ministers at Punta del Este resort to the sanction of excluding his government from participation in the inter American system.

The Dominican crisis provided another example of the American interpretation of the concept of external aggression. In 1965 the OAS decided to back the American intervention in the Dominican Republic and to support the government in a place which was threatened by "communist subversion". However, attempts to maintain the inter-American forces failed as a result of the opposition by Chile and Mexico.

From the beginning the Latin American countries questioned, on many occasions, the political solidarity on which the organization is based: this provides a classic illustration of a great power's global responsibility undermining the cohesion of the regional system with which it has long been identified as the leading state. What the Latin American countries were, in fact, expecting, was an economic counterpart to their political involvement. It was President Kennedy who saw the need to reorientate United States policy towards Latin America when he launched the idea of the "Alliance for Progress". This was presented as a vast co-operative effort to satisfy the basic needs of the American people for homes, work, land and schools. The project was officially adopted at a special meeting of the Inter-American Economic and Social Council at Punta del Este in August 1961. However, in spite of its laudable objectives, the practical results achieved were felt to be disappointing. In the meantime, economic integration had already got underway on a sub-regional basis: the Latin American Free Trade Association (LAFTA) and the Central American Common Market were set up in 1960.

At the second special Inter-American Conference held in Rio de Janeiro in 1965, the emphasis was placed on economic matters: an agreement was reached on a long statement of policy entitled the "Economic and Social Act of Rio", in which the necessity "to incorporate in the economic and social field of the inter-American system, as juridically binding principles of mutual security, solidarity, co-operation and assistance" was expressed. The most interesting initiative however was the creation, at the Conference of Punta del Este in 1967, of a Latin American Common Market which, beginning in 1970, and becoming operative in 1985, will be based on the complete development and progressive convergence of the LAFTA and the Central American Common Market. This move towards economic integration on a sub-regional basis underlines the importance which the Latin American countries attach to economic matters, as a reaction to the political priorities which the United States has tried to impose.

The policy of the United States towards South American countries in the framework of the OAS has always fluctuated between domination of the smaller countries and a reconciliation of their regional interests with the rights of the small nations. In a speech delivered in October 1969, President Nixon proposed to the Latin American countries a new concept of association based on equal partnership. Nevertheless, the enormous disparity between the economic and political power of the US and the other nations precludes the emergence of political equality which the idea of association presupposes.

As a result of the imperfections of regional groupings which are geared to great powers, such as the OAS, smaller nations have sought a counterweight to their dependency by means of active participation in the United Nations. They try in this way to maximize their influence which may be weak in a regional agency dominated by a major power but which is stronger when acting as a member of a regional bloc in the General Assembly of the United Nations.

In contrast to a system of great power domination, "small state regionalism" provides, in a different way, an alternative to the problem of a common organizational policy: the experience of the Arab League is most illustrative here.

2) The Arab League

The Arab League is the oldest of the many international organizations created at the end of World War II. Not only is it older than the United Nations but it was created before any of the European or Afro-Asian organizations. On 25 September, 1944 a preliminary draft convention establishing the League was adopted. However, it was only on 22 March, 1945 that the Pact of the Arab League was finally approved by the seven founding states: Jordan (at that time Transjordan), Syria, Iraq, Saudi Arabia, Lebanon, Egypt and Yemen. The Pact aimed at strengthening relations between the member states, co-ordinating their policies with a view to achieving mutual co-operation, preserving their independence and protecting the interests of all Arab countries. The League is composed of a Council, several permanent Commissions and a General Secretariat. The Pact included provisions for the peaceful settlement of conflicts arising amongst Arab states; it also set up a rudimentary system of collective defence. In case of aggression, Arab states could call for an immediate meeting of the Council of the League, which was authorized to decide what measures should be taken against any eventual aggression. The only sanction specifically mentioned in the Pact was the expulsion of the aggressor form the League if the aggressor was a member state. Finally, the Pact included provisions regarding close co-operation between Arab states in economic, social and cultural fields. This was the structure of the League at the time of its establishment. Since then, many changes have taken place: the number of member states has increased, the League's organs have multiplied and its activities and interests have been considerably diversified (Djonovich 1973: 148).

The activities of the Arab League fall into four distinct categories which have enjoyed varying measures of success, namely peaceful settlement of conflicts, collective security, decolonization and joint diplomacy. The first two of these fields are common to all international organizations, both regional and world-wide. The fields of decolonization and of joint diplomacy however, are more peculiar to the Arab League. Nevertheless, although the liberation of all Arab territories is the ultimate goal of the League, the independence of Palestine, threatened by the Zionist movement, was, from the beginning, the immediate objective of Arab anti-colonial efforts. The League went so far as to give this matter priority over the achievement of true independence by its own founding members, but the nature and the structure of the League did not enable it to enforce such a policy as it did not possess the administrative machinery, the political powers or the financial and military means necessary to co-ordinate and direct this policy of the Arab states, who at that time were themselves still dominated by foreign powers. This underlines the limitations of small state groups which bring together minor states formerly belonging to large empires, situated in strategic areas but with inadequate defensive powers and an incentive to association which is negative in nature (namely the wish to counteract Israel). In addition, while the League desired to expel great power performance, it needed the aid of outside powers for stability. One must recognize, however, that the League has contributed to creating the doctrine of decolonization and to making it a principle of international law, which is the result of the support of a system and an ideology provided by the organization.

In the field of unified diplomacy, the Arab League has failed in developing a foreign policy; the non-alignment approach adopted by the league in its early period was to cause serious political and ideological conflict within the Arab world and also emphasised the divisions between Arab states: recently the suspension of Egypt's activities in the League after the signing of the Camp David Agreements in 1978 laid bare the divergent orientations of the Arab sta

tes. However, if the League has been unable to set up a common diplomacy, it has, on the other hand, greatly contributed to the creation and development of Afro-Asian ideology. The Afro-Asian group was mentioned for the first time by the Arab League in one of its first resolutions on the independence of the Magreb countries. Later, the League recommended that its members strengthen their diplomatic, economic and cultural relations with Afro-Asian states and called upon them to participate periodically in joint meetings with these states, at the United Nations. This common front is an important advantage which the League has fully utilized.

Article 2 of the Pact establishing the League, after first mentioning political co-operation, adds that the League "also has the objective of assuming, within the framework of the respective régimes and situations of each state, close co-operation between member states in the economic, social and cultural fields". This provision allowed the conclusion of international conventions and the creation of interstate organization with a view to integration in economic, cultural and communication fields. However, the procedure adopted for the conclusion of conventions is so time-consuming and complex that it is, to some extent, responsible for the delays in enforcing these conventions. It appears, in fact, that Arab states do not really wish to bind themselves with other Arab states through the obligations created by conventions. At the same time, they wish to show the public that they are determined to progress towards integration: this results in a continuous pretence of activity at various levels which masks the stagnation of the integrational movement. This explains why the League has often been accused of obstructing Arab unity instead of working to promote it.

In an analysis of small state regional organizations, Professor Liska, in his work International Equilibrium 1957, expresses grave doubts about their viability, by showing that the lack of a centralized structure, an exacting security commitment for the repulsion of aggressors and the absence of positive goals has militated against the achievement of a closer unity, despite a common cultural and historical tradition. Moreover, the fact that the Arab League cannot isolate its policy from the world-wide distribution of power, especially the activi-

ties and pressures of the major powers, has been another cause of its failure.

CONCLUSION

An analysis of the phenomenon of association reveals both positive and negative aspects. As a form of membership of international organizations, it allows associate states a certain degree of economic and political participation which they would otherwise be unable to achieve since they are not entitled to full membership. The concept of association in this respect is basically sound and is recognized by international law.

As a framework for interaction, the attraction of association may be seen from the multiplication of regional movements for the organization of economic and political activities in a region.

Nevertheless, whatever the system, the regional associations are always thwarted by economic inequality and political divergence between states.

The concept of associated statehood, as a political status characterizing the relationship between a great power and smaller entities, is not really satisfactory. While the rules of international law regarding the recognition of smaller nations remain unclear, it is doubtful that it will remain a viable solution. The growing acceptance of many small and often recently independent states in the United Nations has, to a large extent, rendered this form of compromise obsolete.

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